

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS, INC.
PINNACLE HIP IMPLANT PRODUCTS:
LIABILITY LITIGATION,

This Document relates to:

THOMAS HUNGERFORD &
LAURIE HUNGERFORD,
INC., et al.,
Case No. 3:15-CV-01905-K

MDL No. 3:11-md-02244-K

Honorable Ed Kinkeade

**PLAINTIFFS' MOTION AND
INCORPORATED BRIEF FOR CASE
MANAGEMENT CONFERENCE**

Plaintiffs Thomas Hungerford and Laurie Hungerford move the Court to set a Case Management Conference to address outstanding issues concerning the status and management of these and other unresolved cases in the MDL.

In support of this motion, counsel states:

1. In February 2019, the jury in the fifth bellwether trial in this MDL (a retrial) was dismissed and was apparently resolved, along with all of the other bellwether cases.
2. No further bellwether trials have been set, and undersigned counsel understands that there are no current efforts to set additional bellwether trials in the future.
3. Plaintiffs seek a Case Management Conference to address:
 - a. The appointment by the PEC of a liaison counsel with active and who will provide leadership into the next stages of this litigation;
 - b. The process for settling non-bellwether cases, including the Court's settlement plan;

**PAGE 1 – PLAINTIFFS' MOTION AND INCORPORATED BRIEF FOR CASE MANAGEMENT
CONFERENCE**

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- c. The timeline and process for resumption of litigation if the cases do not settle;
- d. Enforcement of CMO 11, which requires Defendants to complete and serve Defendant Fact Sheets;
- e. The Court's remand plan and timing;
- f. Common benefit assessments to be imposed on the remaining Plaintiffs' cases if and when they resolve.

LCvR 7.1(h) CERTIFICATE OF CONFERENCE

I hereby certify that prior to the filing of this Motion, Altom Maglio, on behalf of all similarly situated Plaintiffs' Counsel, contacted Defense Counsel in an attempt to obtain Defendants' consent for the requested case management conference. As of the date of filing, Defense Counsel has not provided Consent.

Dated: June 20, 2019.

JOHNSON JOHNSON LUCAS & MIDDLETON, P.C.

s/ Leslie W. O'Leary
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